

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

HONORABLE WILLIAM C. GRIESBACH, presiding
January 18, 2006

Case No.: 04-CR-241

Deputy Clerk: Cheryl

UNITED STATES OF AMERICA

Court Reporter: 011806

v.

Begin: 10:30

NING WEN

End: 12:15

SENTENCING MINUTES

United States by: Erica O'Neil

& Michelle Jacobs

Defendant: Ning Wen, in person, and by

Defense Counsel: Stephen J. Liccione

Probation Officer: Mitch Farra

Interpreter: ☒ None ☐ Sworn

☐ Probation

_____ years on Count(s) _____ of the _____

☒ Custody of Bureau of Prisons:

60 months on Count(s) _____ of the _____
_____ months on Count(s) _____ of the _____
_____ months on Count(s) _____ of the _____

to run concurrently/consecutively for a total term of _____ months.

☒ Supervised Release:

2 years on Count(s) _____ of the _____
_____ years on Count(s) _____ of the _____
_____ years on Count(s) _____ of the _____

to run concurrently/consecutively for a total term of _____ years.

COUNT(S) _____ of the (Superseding) Indictment are DISMISSED on motion of Government.

Special Conditions of Supervised Release:

- ☒ Report within 72 hours of release from imprisonment.
- ☒ No firearms/dangerous weapons.
- ☒ No illegal possession of controlled substance.
- ☐ Reside for _____ days in a community correctional center.
- ☐ Cooperate with BICE.
- ☒ Drug/Alcohol testing and treatment. *Suspended*
- ☐ Participate in a mental health treatment program and take prescribed medication.
- ☐ Not allowed to work at or patronize taverns.
- ☒ Pay any balance of the fine/restitution at a rate of not less than \$ 500⁰⁰ per month.
- ☐ No new lines of credit.
- ☒ Financial Disclosure.
- ☐ No Gambling.
- ☒ Cooperate in the collection of DNA.
- ☐ No employment having fiduciary responsibilities.
- ☐ Participate in a sexual offender mental health treatment program.
- ☐ Cooperate with the Child Support Enforcement Unit.
- ☐ Cooperate with IRS, submit delinquent returns, and pay back taxes and interest.
- ☐ Provide USPO with computer pseudonyms, passwords, logons.
- ☐ Consent to unannounced exam of computer equipment.
- ☐ Waive rights to confidentiality re sex offender mental health treatment.
- ☐ No possession of pornography/erotica.
- ☐ Register as a convicted sex offender.
- ☐ No computer usage.

Fine: \$ 50,000.⁰⁰ *to be paid prior to report date.*

- ☐ Fine is waived due to defendant's inability to pay.
- ☐ Interest on fine is waived.
- ☐ Defendant is to participate in FBP Inmates' Financial Responsibility Program.

Restitution: \$ _____

Forfeiture: _____

Special Assessment: \$ 900.⁰⁰

☒ To be paid as soon as possible.

☐ Other: _____

☒ DEFENDANT ADVISED OF RIGHT TO APPEAL.

Custody:

☐ Defendant is remanded to the custody of the U.S. Marshal.

☐ Execution of this sentence is stayed until _____.

☒ Defendant is to voluntarily surrender.

Recommendations:

☒ Facility: FPC Seymour Johnson in N.C. (AF base in Goldsboro)
or near D.C.

☐ 500-hour drug program.

☐ Boot camp.

☐ Shock Incarceration program.

☐ Other: _____

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01-18-06

Govt calls special agent (Dept of Commerce)

Joe Christy. Witness sworn & testifies.

Direct examination by Erica O'Neil

10:43 Cross. by Stephen Liccione

10:52 Follow up by Stephen Liccione

10:54 Witness excused

10:54 Govt call FBI Agent Marc Denkel

witness sworn & testifies.

Direct examination by Erica O'Neil

Witness reviews trial exhibit 1028

" " " " 176

" " " " 20

11:04 Cross examination by Stephen Liccione

11:06 Witness excused

11:06 Def calls Hailin Lin

Witness sworn & testifies

Direct exam. by Stephen Liccione

11:12 Cross exam. by Erica O'Neil

Govt. refers court to exhibits 10-20

11:19 Witness responds to clarify answers

11:20 Witness excused

Court addresses objections to facts.

Court adopts the factual statements in PSR
as its findings.

Court addresses objections to application of guidelines.

Court adopts the guideline calculation in

its PSR

Govt. suggests sentence in middle of guideline range. Is Wen is most culpable

Def. has suffered many hardships. He has willingly provided info to the FBI in the past. Mr Wen was dedicated to employer, The Manitowoc Co.

Def. requests downward departure

Court departs from guideline range based on:

No criminal history. Diligent hardworking person, he has positive attributes including integrity.

Nature of offense of money laundering is the key product of conduct from exporting parts.

False statements are unclear, not specific, and statements are not aggressive.

Def. has lost property, job, and honor.

Def. is not a threat to the public and it is unlikely def will reoffend.

Def requests report after appeal

Govt. objects

Court denies request